

**ASSEMBLY BILL**

**No. 1215**

---

**Introduced by Assembly Member Wyland**

February 22, 2005

---

An act to add Sections 312 and 312.5 to the Education Code, relating to English language instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1215, as introduced, Wyland. English language instruction.

Existing law, enacted at the June 2, 1998, primary election by Proposition 227, an initiative measure, requires in part that all children in California public schools be taught English by being taught in English, and provides for prescribed parental waivers from that mandate.

This bill would require schools to provide parents requesting a waiver with specified information, including, among others, certain test score data of English learner pupils enrolled in bilingual education classes, and would require the parent to sign a document stating that he or she understands the information. The bill would prohibit teachers and administrators from recommending a pupil receive bilingual education instead of English immersion instruction. By imposing these additional duties on local educational agencies, this bill would impose a state-mandated local program.

This bill would require pupils enrolled in bilingual education classes to receive a certain percentage of class time instruction in English depending on the grade level.

The initiative measure provides that its provisions may be amended by a statute to further the act's purpose passed by a  $\frac{2}{3}$  vote of each house of the Legislature and signed by the Governor.

This bill, in conformance with those requirements, would declare that its provisions further the purpose of the act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 312 is added to the Education Code, to  
2     read:  
3     312. (a) A parent requesting a waiver pursuant to Section 310  
4     shall be provided with all of the following information:  
5     (1) Test score data on English reading and writing, with  
6     interpretations, in the native language of the parent, of those  
7     English learner pupils enrolled in bilingual education classes.  
8     (2) Comparisons of English reading, comprehension, and  
9     writing test score data between native English speaking pupils  
10    and English learner pupils enrolled in English immersion classes.  
11    (3) Information on how a parent can support the English  
12    learning of his or her child.  
13    (4) Information explaining that the degree of English fluency  
14    in speaking, reading, and writing is correlated with future job  
15    prospects for their child.  
16    (5) Notice of the right to receive yearly updates on the  
17    progress in English reading, comprehension, and writing of their  
18    child compared with English speaking and English immersion  
19    pupils.  
20    (6) Advice that they should reconsider their decision to choose  
21    bilingual education if their child does not show advancement in  
22    comparison to English immersion and English speaking pupils  
23    that would ensure equal performance on English reading,  
24    comprehension, and writing by grade 6.

1 (b) Before signing the waiver, the parent shall sign a document  
2 stating that the parent understands all of the information  
3 enumerated in subdivision (a).

4 (c) Teachers and school administrators shall not recommend a  
5 pupil receive bilingual education instead of English immersion  
6 instruction.

7 SEC. 2. Section 312.5 is added to the Education Code, to  
8 read:

9 312.5. (a) A pupil enrolled in a grade 1 bilingual education  
10 class shall receive at least 50 percent of class time instruction in  
11 English.

12 (b) A pupil enrolled in a grade 2 bilingual education class shall  
13 receive at least 60 percent of class time instruction in English.

14 (c) A pupil enrolled in a grade 3 bilingual education class shall  
15 receive at least 70 percent of class time instruction in English.

16 (d) A pupil enrolled in a grade 4 bilingual education class shall  
17 receive at least 80 percent of class time instruction in English.

18 (e) A pupil enrolled in a grade 5 bilingual education class shall  
19 receive at least 90 percent of class time instruction in English.

20 (f) A pupil enrolled in a grade 6, or beyond, bilingual  
21 education class shall receive 100 percent of class time instruction  
22 in English.

23 SEC. 3. The Legislature finds and declares that the changes to  
24 Chapter 3 (commencing with Section 300) of Part 1 of the  
25 Education Code as set forth in this act further the purposes of  
26 Proposition 227 in accordance with Section 335 of the Education  
27 Code.

28 SEC. 4. If the Commission on State Mandates determines that  
29 this act contains costs mandated by the state, reimbursement to  
30 local agencies and school districts for those costs shall be made  
31 pursuant to Part 7 (commencing with Section 17500) of Division  
32 4 of Title 2 of the Government Code.